



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



September 29, 2015

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Dear Supervisors:

**CENTURY REGIONAL DETENTION FACILITY  
PROPOSED TREATMENT AND PROGRAMMING ANNEX FACILITY  
ADOPT AMENDED AND RESTATED RESOLUTION COMPLETING THE  
SUBMITTAL OF A PROPOSAL FOR SENATE BILL 863  
ADULT LOCAL CRIMINAL FACILITIES CONSTRUCTION FINANCING  
(SECOND DISTRICT) (3 VOTES)**

**SUBJECT**

The Los Angeles County (County) Sheriff's Department (Department) seeks the Board's adoption of an Amended and Restated Resolution (Resolution) related to the County's proposal in response to Senate Bill 863 (SB 863) Adult Local Criminal Facilities Construction Financing Request for Proposals (RFP) issued by the California (State) Board of State and Community Corrections (BSCC) for lease-revenue bond financing. This action will allow the Department to design and construct a proposed Treatment and Programming Annex Facility (Annex Facility) at the Department's Century Regional Detention Facility (CRDF). As required by BSCC, the Resolution revises the Resolution previously adopted by the Board on July 21, 2015.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find that the recommended actions on this Resolution are not a project under Section 15378(b) of the California Environmental Quality Act (CEQA) for the reasons stated in this letter.

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2. Adopt the attached Resolution, authorizing Assistant Sheriff Terri McDonald or Bradford M. Bolger, Senior Manager, Chief Executive Office, or their designees, to execute project documents deemed necessary to effectuate the financing authorized by SB 863, at the appropriate times, following the award of financing by BSCC and acceptance of such financing by your Board.

### **PURPOSE AND JUSTIFICATION OF RECOMMENDED ACTIONS**

The recommended actions are in response to technical review comments made by BSCC on the previously submitted proposal to BSCC for lease-revenue bond financing to design and construct a proposed Annex Facility at the Department's CRDF, pursuant to the guidelines in SB 863. If awarded, the Department will return to the Board to accept the financing, approve the proposed project, and approve the total project budget.

#### **Background**

SB 863 was enacted in June of 2015, and offers a total of \$500 million in State lease-revenue bond financing for the construction of adult local criminal justice facilities, of which \$240 million has been set aside for large counties. Financing for SB 863 is limited to a maximum amount of \$80 million per project for large counties, including the County, with a minimum 10 percent County match.

On July 21, 2015, the Board adopted a resolution authorizing the Sheriff to sign and submit a proposal in response to the RFP for SB 863, which will provide State financing for design and construction of adult inmate treatment and programming spaces. On August 28, 2015, the Department submitted the County's proposal package to BSCC.

On September 4, 2015, the County received comments from BSCC as part of the technical review process. BSCC indicated that the County will need to authorize an appropriate signatory or signatories to execute necessary project documents, at the appropriate times, as part of the financing framework for SB 863. Such project documents include, but are not limited to, Project Delivery and Construction Agreement, BSCC Agreement, Ground Lease (includes Site Lease), Right of Entry for Construction and Operation, Facility Lease, and Facility Sublease. The designated signatories or their designees, shall be authorized to execute necessary project documents only following the award of financing by BSCC and acceptance of such financing by the Board.

### SB 863 Application Deadline and Submittal

The deadline for submittal of the revised resolution is October 2, 2015. Adopting the attached Resolution will allow the Department to complete their proposal for SB 863 financing.

### Implementation of Strategic Plan Goals

The recommended actions support the County's Strategic Plan, Goal 1, Operational Effectiveness/Fiscal Sustainability, by investing in the infrastructure of the County's jail system to improve the services provided to the County's inmate population.

### FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In accordance with Senate Bill 863 and requirements set forth by BSCC, the attached Resolution is a technical requirement of the RFP.

The Resolution amends only item Number 3 of the previously adopted Resolution, which authorizes Assistant Sheriff Terri McDonald or Bradford M. Bolger, Senior Manager, Chief Executive Office, or their designees, to execute project documents deemed necessary to effectuate the financing authorized by SB 863, at the appropriate times, following the award of financing by BSCC, and acceptance of such financing by the Board.

County Counsel has reviewed and approved the attached Resolution as to form.

### ENVIRONMENTAL DOCUMENTATION

The recommended action to adopt the Resolution adding the names of County officials authorized to execute key proposal related documents, in response to a request from the BSCC, is not a project for purposes of CEQA because it is an activity excluded from the definition of a project by Section 15378(b)(5) of the CEQA Guidelines. The action to amend and identify authorized document signatories is an administrative activity of government, which will not result in a direct or indirect physical change to the environment.

In connection with earlier actions to authorize submission of a proposal for SB 863 funds on July 21, 2015, the Board approved a Second Addendum to the previously certified Environmental Impact Report pursuant to Section 15164 of the State CEQA Guidelines. This documentation provided an environmental analysis of the impacts of the proposed revised scope of development for a proposed Annex Facility at a location within the Department's fenced and developed CRDF. A Notice of Determination was

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filed and posted with the Registrar-Recorder/County Clerk in accordance with Section 15094 of the State CEQA Guidelines on July 22, 2015.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impact on current County services or projects during the performance of the recommended services.

**CONCLUSION**

Upon Board approval, please return one individually certified copy of this Board letter to the Chief Executive Office, Capital Projects Division, and to the Department's Facilities Planning Bureau.

Sincerely,



JIM McDONNELL  
SHERIFF

**AMENDED AND RESTATED  
RESOLUTION  
SB 863 GRANT APPLICATION**

WHEREAS, Senate Bill 863, the Adult Local Criminal Justice Facilities (ALCJF) Construction Act, which was signed into law by the Governor on June 20, 2014, authorizes state lease revenue bond financing for the acquisition, design, and construction of ALCJFs and authorizes the Board of State and Community Corrections (BSCC), the California Department of Corrections and Rehabilitation (CDCR), the State Public Works Board (SPWB) and participating counties to enter into agreements to acquire, design, renovate, or construct ALCJFs; and

WHEREAS, the BSCC has issued a Request for Proposals (RFP) for construction of ALCJFs for the purpose of entering into such agreements and disbursing funds in support of such construction; and

WHEREAS, the RFP requires each county submitting a proposal to include a resolution approved by its Board of Supervisors; and

WHEREAS, the Board of Supervisors of the County of Los Angeles adopted Resolution for SB 863 Grant Application on July 21, 2015; and

WHEREAS, this Amended and Restated Resolution for SB 863 Grant Application is necessary to amend and restate the resolution in its entirety so as to make certain revisions related to authorizing signatories to execute project documents at the appropriate times following the award of financing by BSCC and acceptance of such financing by the Board of Supervisors of the County of Los Angeles.

BE IT RESOLVED hereby by the Board of Supervisors of the County of Los Angeles as follows:

1. That the County of Los Angeles has identified the following key staff:

County Construction Administrator and Project Contact Person:  
Gary T.K. Tse, Assistant Division Director  
Sheriff's Department

Project Financial Officer:  
Bradford M. Bolger, Senior Manager  
Chief Executive Office

2. That the County of Los Angeles approves the forms of the project documents deemed necessary, as identified by SPWB to BSCC, to effectuate the financing authorized by the legislation.
3. That the Board of Supervisors authorizes Jim McDonnell, Sheriff of Los Angeles County, to sign and submit the proposal for financing in accordance with the requirements of the RFP; and the Board of Supervisors further authorizes Assistant Sheriff Terri McDonald or Bradford M. Bolger, Senior Manager, Chief Executive Office, or their designees, to execute all project documents deemed necessary to effectuate the

financing authorized by the legislation, at the appropriate times, following the award of financing by BSCC and acceptance of such financing by the Board of Supervisors. The project documents shall include but shall not be limited to the following:

Project Delivery and Construction Agreement  
BSCC Agreement  
Ground Lease (includes Site Lease) .  
Right of Entry for Construction and Operation  
Facility Lease  
Facility Sublease

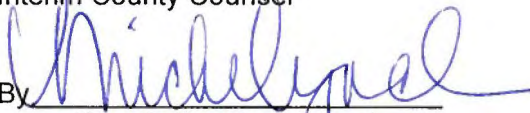
4. That the County of Los Angeles assures that it will adhere to State requirements and terms of the agreements between the County, CDCR, BSCC, and SPWB in the expenditure of State funds and County matching funds.
5. That the County of Los Angeles has appropriated the amount of match identified by the County on the funding proposal form submitted to BSCC which amount shall be a minimum of Five Million, Six Hundred Thousand (\$5,600,000); that the source of this cash match shall be the County General Fund; and that the County assures that State and County matching funds do not supplant funds otherwise dedicated or appropriated for construction activities.
6. That the County of Los Angeles will fully and safely staff and operate the Treatment and Programming Annex Facility (Annex Facility) that is being constructed (consistent with Title 15, California Code of Regulations) within ninety (90) days after project completion.
7. That the County of Los Angeles will provide a site assurance for the local Annex Facility at the time of proposal or not later than ninety (90) days following the BSCC's notice of Intent to Award.
8. That the County of Los Angeles has project site control for the construction of the Annex Facility project through either fee simple ownership of the site or comparable long-term possession of the site, and right of access to the project sufficient to assure undisturbed use and possession of the site, and will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site of facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the CSA, for so long as SPWB lease-revenue bonds secured by the financed project remain outstanding.
9. That the County of Los Angeles attests that the current fair market land value for the proposed new or expanded Annex Facility is approximately \$240,000.

The foregoing resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

PATRICK OGAWA  
Acting Executive Officer-Clerk  
of the Board of Supervisors of  
the County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
MARY C. WICKHAM  
Interim County Counsel

By   
Deputy County Counsel